

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William H. Walls
v. : Criminal No. 07-979 (WHW)
FRANCIS ESTEBAN JACOBS : **ORDER FOR CONTINUANCE**
CALLETANO, a/k/a "Hugo Guerrero"

This matter having come before the Court on the joint application of Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (by Matthew E. Beck, Assistant U.S. Attorney) and defendant Francis Esteban Jacobs Calletano, a/k/a "Hugo Guerrero" (by K. Anthony Thomas, Assistant Federal Public Defender, appearing), for an order granting a continuance of the proceedings in the above-captioned matter from January 31, 2009 through March 31, 2009, to allow the defense to complete a mental evaluation of the defendant that it requested and was granted permission to undertake and to allow the parties to conduct plea negotiations and attempt to finalize a plea agreement, and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court and that a continuance shall serve to delay a trial in this matter, the defendant having consented to the continuance and waived such right, for good cause shown, and four continuances having previously been granted by the Court pursuant to Title 18, United States Code, Section 3161(h)(8) so that the parties could attempt to resolve the matter and thereby avoid a possible trial

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

- (1) Defense counsel has requested and the Court has granted permission for a mental

evaluation of the defendant to be undertaken which is still ongoing;

(2) Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to negotiate a plea agreement, which would render a trial of this matter unnecessary;

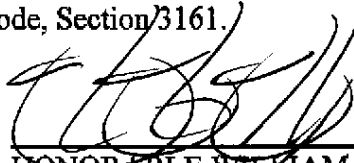
(3) Defendant consents to the continuance; and

(4) Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

WHEREFORE, IT IS on this 16 day of March, 2009,

ORDERED that this action be, and it hereby is, continued from January 31, 2009 through March 31, 2009; defense motions, if any, are to be filed by _____, 2009, opposition to defense motions are to be filed by _____, 2009, motions shall be heard on _____, 2009, and the trial shall be scheduled for _____, 2009, absent any other reason to continue the proceedings; and it is further,

ORDERED that the period from January 31, 2009 through March 31, 2009 shall be excludable in computing time under the Speedy Trial Act of 1974 (as amended October 12, 1984), pursuant to Title 18, United States Code, Section 3161.



HONORABLE WILLIAM H. WALLS
UNITED STATES DISTRICT JUDGE

K. ANTHONY THOMAS,
ASSISTANT FEDERAL PUBLIC DEFENDER

MATTHEW E. BECK
ASSISTANT UNITED STATES ATTORNEY